

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 206.19, the Iowa Department of Agriculture and Land Stewardship hereby amends Chapter 45, “Pesticides,” Iowa Administrative Code.

This rule making rewrites the existing rule related to the application of pesticides near bees. Commercial pesticide applicators spraying within one mile of a registered apiary shall not spray between 8 a.m. and 6 p.m. Commercial pesticide applicators will need to keep records of the time pesticide application began and ended.

Notice of Intended Action was published in the December 17, 2008, Iowa Administrative Bulletin as **ARC 7432B**. A public hearing was held on January 7, 2009. A full spectrum of comments was received. Applicators objected to restrictions on spraying, and beekeepers wanted additional restrictions. No changes from the Notice have been made.

The Department adopted these amendments on January 22, 2009.

The Department finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendments should be waived and the amendments should be made effective on January 22, 2009, so as to provide clarification, guidance or appropriate training to applicators and beekeepers who must comply with the provisions.

No waiver provision is included in these amendments. However, the Department’s general waiver provisions, found at 21—Chapter 8, apply.

These amendments are intended to implement Iowa Code sections 206.6 and 206.19.

These amendments became effective January 22, 2009.

The following amendments are adopted.

ITEM 1. Adopt the following new paragraph **45.26(3)“i”**:

i. Time pesticide application begins and ends.

ITEM 2. Rescind rule 21—45.31(206) and adopt the following new rule in lieu thereof:

21—45.31(206) Application of pesticides toxic to bees.

45.31(1) Owners of apiaries, in order to protect their bees from pesticide applications, shall register the location of their apiaries with the state apiarist. Registration shall be on forms provided by the department. The registration expires December 31 each year and may be renewed the following year.

45.31(2) Between 8 a.m. and 6 p.m., a commercial applicator shall not apply to blooming crops pesticides labeled as toxic to bees when the commercial applicator is located within one mile of a registered apiary. A commercial applicator shall be responsible for maintaining the one-mile distance from apiaries that are registered and listed on the sensitive crop registry on the first day of each month.

This rule is intended to implement Iowa Code sections 206.6(5)“a”(3) and 206.19(2).

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/11/09.